



## NEWS RELEASE

### JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

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### SUMMARY OF CASES ACCEPTED DURING THE WEEK OF SEPTEMBER 13, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-142 Boysaw v. Superior Court, S080174. (B131909.) No opinion. Petition for review after the Court of Appeal denied a petition for writ of certiorari. This case concerns whether the contempt order at issue complies with the exacting procedural requirements for contempt orders set forth in prior court decisions or whether the existing requirements should be reconsidered.

#99-143 Castillo v. City of Alhambra, S081261. (B129021.) Unpublished opinion. Petition for review after the Court of Appeal reversed the summary judgment in a civil action. This case presents an issue, concerning whether a public employee who suffers an adverse employment decision must have the factual findings made in the local administrative proceeding set aside in order to avoid collateral estoppel effect in a subsequent court action under the Fair Employment & Housing Act and other authority, which is related to an issue before the court in Johnson v. City of Loma Linda, S074261. (See #98-170.)

(over)

#99-144 Industrial Indemnity Co. v. Apple Computer, Inc., S080601. (A074282.) Unpublished opinion. Petition for review after the Court of Appeal reversed an order in a civil case. This case is related to Industrial Indemnity Co. v. Apple Computer, Inc., S079256 (#99-113), which includes an issue related to an issue before the court in Palmer v. Truck Ins. Exchange, S074326. (See #98-165.)

#99-145 In re Lesansky on Discipline, S079499. Unpublished order. Petition for writ of review of a State Bar Court recommendation of discipline. This case presents issues, concerning the construction and constitutionality of subdivision (c) of Business and Professions Code section 6102, providing for the summary disbarment of attorneys convicted of felonies involving moral turpitude, which are related to issues before the court in In re Paguirigan on Discipline, S076968. (See #99-90.)

#99-146 People v. Marjanian, S080497. (B115762.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents an issue concerning whether gross vehicular manslaughter while intoxicated is a lesser included offense of murder which is related an issue before the court in People v. Gonzalez, S069308 (#98-74), and People v. Sanchez, S066991 (#98-25).

#99-147 People v. Ridley, S080242. (C028700.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents an issue, concerning whether the 1996 revision of CALJIC 9.00 correctly defines the mens rea of assault, which is related to an issue before the court in People v. Williams, S076262. (See #99-53.)

#99-148 People v. Tindall, S080078. (B114899; 72 Cal.App.4th 188.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the issue whether it was

permissible to allow amendment of the information, over objection, to allege three strike priors, elevating the maximum sentence from four years to life, after the jury was discharged.

## **DISPOSITIONS**

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Garcia, 21 Cal.4th 1:

#99-59 People v. Graham, S077226.

#99-78 People v. Luangrath, S077900.

#99-97 People v. Lopez, S078881.

The following cases were transferred to the Court of Appeal for reconsideration in light of Bockrath v. Aldrich Chemical Co., 21 Cal.4th 71:

#98-104 Brock v. Air Products & Chemicals, Inc., S071652.

#98-105 Till v. Ablestick Laboratories, S071649.

The following cases were dismissed and remanded to the Court of Appeal:

#98-80 People v. Gentry, S069817.

#99-51 People v. Renko, S053739.

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